

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
COMMERCE COMMISSION

ORIGINAL

John Armetta

-vs-

Commonwealth Edison Company

Complaint as to refusal to refund
overpayments in Chicago, Illinois.

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05-0415

MOTION TO STRIKE

Now comes the Respondent, COMMONWEALTH EDISON COMPANY, by and through its attorney, MARK L. GOLDSTEIN, and moves the Administrative Law Judge ("ALJ") and the Illinois Commerce Commission ("Commission") to Strike the Response to Respondent's Reply to Response to Motion to Dismiss filed by the Complainant, JOHN ARMETTA.

1. On July 25, 2005, Respondent filed a Motion to Dismiss the complaint filed by JOHN ARMETTA on the bases that the complaint was time-barred and Mr. Armetta was not the proper Complainant.
2. On July 27, 2005, the Chief Clerk of the Commission sent written Notice of the following schedule set by the ALJ with regard to Respondent's Motion to Dismiss: Complainant has 14 days to file a response. The Respondent will have 7 days to file a reply to the response.
3. On August 1, 2005, Complainant filed its Response to Respondent's Motion to Dismiss.
4. On August 8, 2005, Respondent filed its Reply to Response to Motion to Dismiss.

CHIEF CLERK'S OFFICE

2005 AUG 29 1 A 10 32

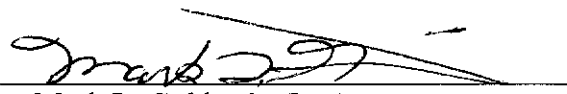
ILLINOIS
COMMERCE COMMISSION

5. On August 15, 2005, Complainant filed a Response to Respondent's Reply to Response to Motion to Dismiss without leave of the ALJ, contrary to the schedule set by the ALJ regarding Respondent's Motion to Dismiss and contrary to 83 Ill. Adm. Code 200.190(e).

WHEREFORE, Respondent respectfully prays that the Response to Respondent's Reply to Response to Motion to Dismiss filed by the Complainant on August 15, 2005 be stricken.

Respectfully submitted,
COMMONWEALTH EDISON COMPANY

By:


Mark L. Goldstein, Its Attorney

MARK L. GOLDSTEIN
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ILLINOIS COMMERCE COMMISSION

-VS-

Complaint as to being charged compounded late fees until July 2004 in Chicago, Illinois.

TO: Parties on Certificate of Service

PLEASE TAKE NOTICE that on August 25, 2005, I filed with the Chief Clerk of the Illinois Commerce Commission a copy of the Respondent's Motion to Strike attached hereto, a copy of which is hereby served upon you.


Mark L. Goldstein, Attorney for Respondent
108 Wilmot Road, Suite 330
Deerfield, IL 60015
(847) 580-5480

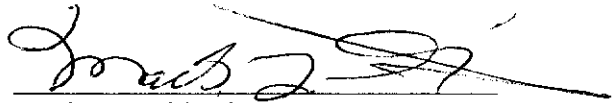
CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2005, I served the Respondent's Motion to Strike, by causing copies thereof to be placed in the U.S. Mail, first class postage affixed, addressed to each of the parties indicated below:

Ms. Elizabeth A. Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Mr. Glennon P. Dolan
Administrative Law Judge
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601

Mr. John Armetta
1636 N. Wells St.
Chicago, IL 60614


Mark L. Goldstein